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EXAMINER	
GREEN, M	
ART UNIT	PAPER NUMBER
3682	4

DATE MAILED:

09/11/00

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).
- *Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites that the brackets are fitted "in" the axle tubes; however, the disclosure does not appear to support this. Possibly "in" should be changed to --on--. Claim 5, line 4 it is unclear whether "repulsive force receiving portion" is the same as the "repulsive force receiving member" recited in claim 1.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (see Figure 2) which discloses an axle housing assembly comprising an axle housing having a differential housing (23, 24, 30) with a body (30) and a pair of axle tubes (not numbered), support means (29) supporting the axle housing to a base frame (28), a repulsive force receiving member (30a) on the body for coupling to the support means, wherein the differential housing includes a

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cover (23), wherein the support means includes a pair of axle brackets (29), a repulsive force receiving bolt (31), the axle brackets including a thick portion (29a), a nut (32) engaging with the bolt, the nut located in an upper portion of the differential housing (since no frame of reference has been established, any direction can be considered up).

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Herzog which discloses an axle housing assembly comprising an axle housing having a differential housing (8) with a body (bottom half of 8) and a pair of axle tubes (25), support means (1, 23) supporting the axle housing to a base frame (26), a repulsive force receiving member (12, see Figure 5) on the body for coupling to the support means, wherein the differential housing includes a cover (top half of 8), wherein the support means includes a pair of axle brackets (23), a repulsive force receiving bolt (see Figure 9), the axle brackets including a thick portion (12, see Figure 4), a nut (see Figure 9) engaging with the bolt, the nut located in an upper portion of the differential housing (since no frame of reference has been established, any direction can be considered up).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kondo et.al. and the German reference disclose differential housing mounts.

8. Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-7687. Recognizing that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and

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delivery time as well as the PTO's mail room processing delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. 703 305-7687) on _____

(Date)

Typed or printed name of person signing this certificate:

(Name)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.2). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.


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9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mimi Green (formerly Battista) at (703) 305-6306.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, David Bucci, can be reached at (703) 308-3668. The fax number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 308-2168.

MG
September 7, 2000


MARY ANN GREEN
PRIMARY EXAMINER
ART UNIT 3682